



DEPARTMENT OF THE NAVY

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20350-1000

SECNAVINST 5730.13
N204L
29 September 1995

SECNAV INSTRUCTION 5730.13

From: Secretary of the Navy

Subj: CONGRESSIONAL NOTIFICATION OF INTELLIGENCE MATTERS
HAVING SIGNIFICANT OPERATIONAL OR ACQUISITION
CONSEQUENCES

Ref: (a) SECNAVINST 3820.3D (NOTAL)
(b) DOD Directive 5400.4 of 30 Jan 78 (NOTAL)
(c) OPNAVINST 5730.4E (NOTAL)
(d) SECNAVINST 5730.5G (NOTAL)
(e) OPNAVINST 3800.20 (NOTAL)
(f) DCI Memorandum on Congressional Notification
of 30 Jun 95 (NOTAL)
(g) DOD Directive S5210.36 of 10 Jun 86 (NOTAL)
(h) SECNAVINST S3810.5A (NOTAL)
(i) OPNAVINST 5510.1H (NOTAL)

1. Purpose

a. To define responsibility within the Department of the Navy (DON) for determining when and which congressional committees should be informed of intelligence matters with significant operational or acquisition consequences for the DON.

b. To publish procedures for processing the recommendation to inform the Congress, to ensure coordination within the DON, Department of Defense (DoD), and intelligence community, and to ensure clear written documentation of the notification process.

2. Scope

a. This instruction applies to all elements and components of the DON concerned with intelligence, including but not limited to those specified in reference (a).

b. This instruction does not supersede or modify references (b), (c), or (d), which govern communications between personnel of the DON and the Congress. Release of classified information shall be in accordance with the policies set forth in reference (b).

c. This instruction does not supersede or modify intelligence oversight laws, regulations, and reporting requirements.

d. This instruction does not supersede or modify reference (e), which concerns Navy Tactical Intelligence and Related Activities (TIARA) functions and responsibilities.



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3. Definitions

a. Intelligence matters covered by this instruction are those with significant operational or acquisition consequences for the DON. An intelligence matter shall be regarded as significant if it meets one or more of the following criteria:

(1) The intelligence concerned supports a judgment that a substantial change has occurred in the capabilities of, vulnerabilities to, and/or threats to U.S. operations or systems;

(2) The intelligence concerned would likely affect a decision of Congress;

(3) In accordance with reference (f), the intelligence would likely warrant a substantial redistribution of or reorientation of program resources (dollars or people).

b. The following types of intelligence matters would typically not be covered by this instruction, but may nevertheless be reportable if they fall within the criteria set forth in section 3a:

(1) those of a routine nature normally reported to the Intelligence Committees of Congress under other instructions;

(2) those briefed to the Secretary, the Chief of Naval Operations, the Commandant of the Marine Corps, or other officials of the DoN on a regular basis;

(3) the subject of funding requests or reprogramming requests normally submitted to the Authorization and Appropriation Committees of Congress;

(4) the subject of specific requirements for reporting on and disseminating information on sensitive support issues or intelligence activities as specified in references (a), (g), (h), and (i);

(5) oversight matters as specified in reference (a).

c. The terms "congressional committees" or "committees" include, but are not limited to, all intelligence oversight committees, the Chairmen and Ranking Minority Members of the committees, Members of the committees, Staff Directors and Minority Staff Directors, and their designated and appropriately cleared staff.

4. Discussion. This instruction is intended to ensure efficient notification of Congress concerning intelligence matters having significant operational or acquisition consequences for the DON. It is recognized that the question of whether an intelligence matter requires congressional notification can involve ambiguities, and thus ultimately relies on the requirement to exercise informed judgment.

5. Action

a. When the Director of Naval Intelligence (DNI) becomes aware of an intelligence matter meeting the criteria as set forth in section 3a, the DNI shall recommend when and which relevant committees of Congress should be informed of the intelligence matter, or recommend other appropriate disposition. The DNI will forward this recommendation through the Vice Chief of Naval Operations, to the Under Secretary of the Navy (UNSECNAV) for a decision.

b. When the Director of Intelligence, Headquarters U.S. Marine Corps (DIRINT) becomes aware of an intelligence matter meeting the criteria as set forth in section 3a of this instruction, the DIRINT will recommend when and which relevant committees of Congress should be informed of the intelligence matter, or recommend other appropriate disposition. DIRINT will forward this recommendation through the Assistant Commandant of the Marine Corps, to UNSECNAV for a decision.

c. When either the DNI or DIRINT make a recommendation to inform congressional committees, they will, in coordination with the Office of Legislative Affairs and the Navy Comptroller as appropriate, include a suggested timing of the notification and which specific committees or officials should be notified.

d. If UNSECNAV determines that notification is warranted, the DNI or DIRINT (as appropriate), will ensure coordination with, or notification of, all appropriate Department of Defense and intelligence community officials prior to notifying Congress. These officials include, but are not limited to, the following, or their designees:

- (1) Director, Defense Intelligence Agency
- (2) Director, National Security Agency
- (3) Director of Central Intelligence
- (4) Assistant Secretary of Defense (C3I)

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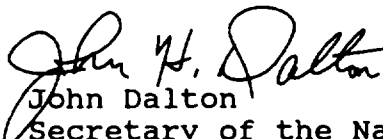
(5) Deputy Assistant Secretary of Defense (S&I)

e. The UNSECNAV shall notify the Secretary of the Navy in writing if UNSECNAV determines that notification is not warranted, or if other disposition is appropriate.

f. Maintenance of Documentation. The DNI or DIRINT will maintain all documentation generated by this instruction and provide copies to the UNSECNAV Assistant for Special Programs. These documents will be subject to inspections, audits, or investigations by appropriately cleared individuals when specifically authorized by UNSECNAV or designee.

g. Annual Report. The DNI and DIRINT will each forward to the UNSECNAV, by 31 October, an annual summary of all activities that have occurred under this instruction. This report will include an accounting of all intelligence matters, as defined in section 3a, in which the DNI or DIRINT recommended that UNSECNAV notify Congress. The report will also include a list of individuals briefed or notified to determine if additional briefings are necessary. The DNI and DIRINT will each review this instruction annually, beginning with September 1996, and forward recommendations for any changes to this instruction.

6. Report. The reporting requirement contained in paragraph 5g is exempt from reports control by SECNAVINST 5214.2B.


John Dalton
Secretary of the Navy

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